

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

UNITED STATES OF AMERICA)
)
 v.) CR. NO. 2:06-cr-169-WKW
)
DEMETRIOUS TEREELL PEGUES, *et al.*)

ORDER

This case is before the court on defendant Demetrious Terrell Pegues' Motion for Continuance of Trial Date (Doc. # 219). The criminal case is currently set for trial during the June 4, 2007, trial term. For the reasons that follow, the court finds that the trial for all defendants should be continued pursuant to 18 U.S.C. § 3161(h).

While the grant of a continuance is left to the sound discretion of the trial judge, *United States v. Stitzer*, 785 F.2d 1506, 1516 (11th Cir. 1986), the Court is limited by the requirements of the Speedy Trial Act, 18 U.S.C. § 3161. The Act provides in part:

In any case in which a plea of not guilty is entered, the trial of a defendant charged in an information or indictment with the commission of an offense shall commence within seventy days from the filing date (and making public) of the information or indictment, or from the date the defendant has appeared before a judicial officer of the court in which such charge is pending, whichever date last occurs.

18 U.S.C. § 3161(c)(1). However, the Act excludes from the 70 day period any continuance based on "findings that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial." § 3161(h)(8)(A).

The court finds that the ends of justice served by continuing this trial outweigh the best interest of the public and all defendants in a speedy trial. In support of his motion to continue, Mr. Pegues represented that his counsel needs more time to review "discovery materials consisting of

7,000 pages of materials” Further, such time would be used to prepare an effective representation. Moreover, the government is not opposed to a continuance.

Accordingly, it is ORDERED that the defendant’s Motion to Continue Trial (Doc. # 30) is GRANTED. The trial in this matter *for all defendants* is continued from **June 4, 2007**, to the criminal term of court beginning on **August 6, 2007**.

DONE this 1st day of May, 2007.

/s/ W. Keith Watkins
UNITED STATES DISTRICT JUDGE